

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

-----X

JOSE RAFAEL URENA,

*Pro Se* Plaintiff,

- against -

YAN WOLFSON, M.D., NEW YORK DOWNTOWN  
HOSPITAL, and ROBERT BEAUDOUIN, M.D.,

Defendants.

-----X

**MATSUMOTO, United States District Judge:**

**MEMORANDUM & ORDER**

09-CV-1107 (KAM) (LB)

On December 9, 2008, Jose Urena ("plaintiff") commenced this *pro se* action in connection with allegedly sustained injuries to his bladder, scrotum, and abdomen while incarcerated in 2006 at the Metropolitan Detention Center in Brooklyn, New York ("MDC"). (See ECF No. 4-3, Complaint.) After the case was transferred to this court on March 11, 2009, an amended complaint was filed on November 2, 2009, and discovery closed on November 23, 2009, the court granted in part and denied in part defendants' respective motions to dismiss and motions for summary judgment on December 6, 2010. (See ECF No. 102, Memorandum and Order.) The claims that survived summary judgment include plaintiff's constitutional claims against defendant Robert Beaudouin, M.D., then a physician at MDC, and New York State negligence and medical malpractice claims against defendants Yan Wolfson, M.D. and New York Downtown Hospital. (See *generally id.*)

On July 11, 2011, plaintiff filed a motion to amend seeking to add four doctors as well as unknown Federal Bureau of Prison ("BOP") guards and an unknown BOP lieutenant as defendants to this action. (ECF No. 123, Motion to Amend Plaintiff's Complaint.) Presently before the court is a Report and Recommendation issued by Magistrate Judge Bloom on August 24, 2011, recommending that this court deny plaintiff's motion to amend. (ECF No. 133, Report and Recommendation.)

On August 25, 2011, notice of the Report and Recommendation was sent to the *pro se* plaintiff via first-class mail and to the defendants via the court's electronic filing system. As explicitly noted at the end of the Report and Recommendation, any written objections to the Report and Recommendation were to be filed within fourteen (14) days of service of the Report and Recommendation, or by September 12, 2011. (Report and Recommendation at 10); see 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). The statutory period for filing objections expired over five months ago, and no objections to Magistrate Judge Bloom's Report and Recommendation have been filed.

In reviewing a Report and Recommendation, the district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1)(C). Where no objection to the Report and

Recommendation has been filed, the district court "need only satisfy itself that that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

Upon a review of the Report and Recommendation, and considering that the parties have failed to object to any of Magistrate Judge Bloom's thorough and well-reasoned recommendations, the court finds no clear error in Magistrate Judge Bloom's Report and Recommendation and hereby affirms and adopts the Report and Recommendation as the opinion of the court.

Counsel for defendant Beaudouin shall serve a copy of this Memorandum and Order upon *pro se* plaintiff and file a declaration of service by March 2, 2012.

**SO ORDERED.**

Dated: February 29, 2012  
Brooklyn, New York

\_\_\_\_\_  
/s/  
Kiyo A. Matsumoto  
United States District Judge